



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,954	12/17/2001	Theodore Rappaport	02560039AA	2954

30743 7590 02/05/2004

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
----------	--------------

2676

DATE MAILED: 02/05/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,954

Applicant(s)

RAPPAPORT ET AL.

Examiner

ANTHONY J BLACKMAN

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 and 43-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42, 43, 85 and 86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/03; 8/03; 11/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-41, drawn to a computerized system for collecting data for a spatially distributed group of objects or networks including specific signal data processing to include signal transformation for converting measured signals into specified data, classified in class 702, subclass 32.
- II. Claims 42-43 and 85-86, drawn to a system for visualizing a spatially distributed group of objects or networks including processing of instrumentation and component modeling (e.g., interactive control panel) to further include graphical representation of system elements that are used to display variable information relating to operating state and/or acquired parameter values, classified in class 345, subclass 970.
- 1III. Claims 44-84, drawn to a method for conducting a site survey (market analysis, demand forecasting or surveying) for communications network in order to predict future demand of a product or service, classified in class 705, subclass 10.

The inventions are distinct, each from the other because of the following reasons:

Art Unit: 2676

2. Inventions I, II and III are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Group I discloses a computerized system for collecting data for a spatially distributed group of objects or networks including specific signal data processing to include signal transformation for converting measured signals into specified data is distinct from Group II because Group II a system for visualizing a spatially distributed group of objects or networks including processing of instrumentation and component modeling (e.g., interactive control panel) to further include graphical representation of system elements that are used to display variable information relating to operating state and/or acquired parameter values, and Group III is distinct from the collection data means of Group I because Group III is directed to surveying (market analysis, demand forecasting or surveying) for communications network I order to predict future demand of a product or service. Therefore, because Group I collects and processes data converting measured signals into specified data and Group II displays a distributed group of objects or networks including processing of instrumentation and component modeling (e.g., interactive control panel) to further include graphical representation of system elements that are used to display variable information relating to operating state and/or acquired parameter values and

Art Unit: 2676

because Group III surveys (market analysis, demand forecasting or surveying) for communications network I order to predict future demand of a product or service, the three groups are separate and distinct.

3. Further still, Claims 25-26 link(s) inventions I and II. The restriction requirement for the linked inventions is subject to the nonallowance of the linking claim(s), claims 25-26. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 2676

5. During a telephone conversation with Michael Whitman on 12/15/03 a provisional election was made without traverse to prosecute the invention of RAPPAPORT et al, claims 42-43 and 85-86. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-41 and 44-84 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: TEXTUAL AND GRAPHICAL
DEMARCATON OF LOCATION FROM AN ENVIRONMENTAL DATABASE,
AND INTERPRETATION OF MEASUREMENTS INCLUDING DESCRIPTIVE
METRICS AND QUALITATIVE VALUES.

Art Unit: 2676

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 42-43 AND 85-86 are rejected under 35 U.S.C. 102(e) as being anticipated by ALEXANDER, us patent No. 6,320,577.

10. As per claim 42, examiner interprets ALEXANDER to meet limitations of the following claimed features, "...a method of visualizing a spatially distributed group of objects or networks (column 5, lines 1-16 and column 9, line 64-column 10, line 15, the underlined group of objects bear similar results as claimed to group of selectable palette of icons), comprising the steps of:

Collecting measurement information and descriptive for said distributed group of objects or networks by obtaining measurement information selected from the group consisting of measured performance metrics and inputted quality measures (at least measured performance metrics are cited below - column 1, lines 20-54, column 8, lines 7-29, column 11, lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines 43-64),

Obtaining descriptive information from a predefined set of selections (column 4, lines 28-43 and column 9, line 64-column 10, line 15) wherein said selections are

Art Unit: 2676

selected from the group consisting of text strings and icons (generally icons are selected and text is considered as an alternate means - column 5, lines 1-16, column 8, lines 30-42, column 9, line 64-column 10, line 15, column 24, lines 6-11 and column 30, lines 52-62), and Associating and storing said measurement information and said descriptive information column 1, lines 20-54, column 8, lines 7-29, column 1, lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines 43-64);

Obtaining an environmental database/(local and distributed databases) model (column 31, lines 43-64, the database is associated with the storing and file and collection means of the measuring system); and

Displaying at least one of said measurement information and said descriptive information collected in said collecting step (at least measured performance metrics are cited below - column 1, lines 20-54, column 8, lines 7-29, column 1, lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines 43-64) together with at least a portion of said environmental database model (column 1, lines 20-35, column 3, lines 24-34, 51-64, 66-column 4, line 10 and column 5, lines 1-16) .

11. As per claim 43, examiner interprets ALEXANDER to meet limitations of claim 42, including the following claimed limitation, "...wherein said measurement information and said descriptive information pertains to a specific location in said environmental database model (column 1, lines 20-35, column 3, lines 24-34, 51-64, 66-column 4, line 10 and column 5, lines 1-16) and said step of

Art Unit: 2676

displaying includes the step of displaying said measurement information and said descriptive information at said specific location in said environmental database model (column 1, lines 20-35, column 3, lines 24-34, 51-64, 66-column 4, line 10 and column 5, lines 1-16).

12. As per claim 85, examiner interprets ALEXANDER to disclose a system for visualizing a spatially distributed group of objects or networks (column 5, lines 1-16 and column 9, line 64-column 10, line 15, the underlined group of objects bear similar results as claimed to group of selectable palette of icons), comprising:

at least one computer (column 10, lines 16-41);

an input for inputting measurement information (figure 1, element 130) selected from the group consisting of measured performance metrics and quality measures into said at least one computer (at least measured performance metrics are cited below - column 1, lines 20-54, column 8, lines 7-29, column 1, lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines 43-64);

at least one of a computer program operating on said at least one computer or at least one measurement device operating with said at least one computer (the at least underlined claimed feature is disclosed column 10, lines 16-41)

which associates said at least one performance metric with descriptive information column 1, lines 20-54, column 8, lines 7-29, column 1, lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines

Art Unit: 2676

43-64) selected from the group consisting of text strings and icons (generally icons are selected and text is considered as an alternate means - column 5, lines 1-16, column 8, lines 30-42, column 9, line 64-column 10, line 15, column 24, lines 6-11 and column 30, lines 52-62), and wherein said text strings and icons are selected from a redefined set column 5, lines 1-16, column 8, lines 30-42, column 9, line 64-column 10, line 15, column 24, lines 6-11 and column 30, lines 52-62);

an environmental database/(local and distributed databases) model operating in conjunction with said at least one computer (column 31, lines 43-64, the database is associated with the storing and file and collection means of the measuring system); and

a display for displaying at least one of a measurement information and said descriptive information with at least a portion of said environmental database model (column 1, lines 20-35, column 3, lines 24-34, 51-64, 66-column 4, line 10 and column 5, lines 1-16).

13. As per claim 86, examiner interprets ALEXANDER to meet limitations of claim 42. Please refer to claim 42 because both claims recite the same recited claim language and render the same cites from ALEXANDER.

Art Unit: 2676

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. CALI', US Patent No. 4,817,012 display circuit analysis software method to facilitate design changes. KING et al, US Patent No. 5,615,356 displays at least an applicable performance simulation processing. DING et al, US Patent No. 6,643,614 display analytic testing, modeling and prediction in computer system usage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached Monday-Friday between the hours of 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/002,954

Art Unit: 2676

Page 11



ANTHONY J BLACKMAN
Examiner
Art Unit 2676



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600